

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

IN THE MATTER OF THE APPLICATION )  
OF THE UNITED STATES OF AMERICA ) MAGISTRATE NO. 12-154M  
FOR AN ORDER AUTHORIZING THE )  
INSTALLATION AND USE OF A ) [UNDER SEAL]  
PEN REGISTER AND TRAP & TRACE )  
DEVICE AND THE DISCLOSURE OF )  
STORED ELECTRONIC )  
AND TRANSACTIONAL RECORDS FOR )  
A PARTICULAR FACEBOOK.COM )  
ACCOUNT )

APPLICATION

The United States of America, by and through Craig W. Haller, Assistant United States Attorney for the Western District of Pennsylvania, applies to the Court for an Order authorizing the installation and use of a pen register and trap and trace device and directing the disclosure of stored electronic and transactional records reflecting access to the Facebook.com account with user ID number 100003236483710 ("the Subject Account"). The purpose of the proposed order is to gather information from the Subject Account that will lead to the capture of Kenneth Konias. In support of this application, the United States offers the following:

1. I am an "attorney for the government" as defined in the Federal Rules of Criminal Procedure and, therefore, pursuant to Title 18, United States Code, Section 3122, may apply for an Order authorizing the installation and use of a pen register and trap and trace device.

2. I certify that the Federal Bureau of Investigation ("FBI") is attempting to locate Kenneth Konias who is suspected of violating 18 U.S.C. §§ 924 and 1951, among other statutes. I also certify that the information likely to be obtained from the pen register and trap and trace device is relevant to an ongoing criminal investigation of Konias. In support of the request for an Order directing the disclosure of stored electronic and transactional records, I state, based upon information provided to me by the Federal Bureau of Investigation, that the Subject Account is Konias's account and has been used by Konias. In fact, review of publicly accessible information on the account reveals Konias's image and employment data that is consistent with Konias's recent employment history. Information gained from the proposed pen register and trap and trace device and from disclosure of stored electronic and transactional records relating to the Subject Account will assist the Federal Bureau of Investigation locate Konias when the account is accessed.

3. In the traditional telephone context, a pen register and trap and trace device collects origin and destination information such as the telephone numbers dialed for a particular telephone call. The same principles apply in the context of internet communications - a pen register and trap and trace device collects addressing information pertaining to packets of Internet traffic, analogous to "to" and "from" addresses for traditional letters and origin and destination telephone numbers for telephone calls. This

application does not seek authority to intercept the content of any electronic communications.

4. I request that the Court issue an Order authorizing the installation and use of a pen register and trap and trace device to capture routing, addressing, and signaling information pertaining to, for example, packets of Internet traffic, such as the packet header and mail header information (but not the subject lines of e-mails), associated with the transmission of communications and other data to and from the Subject Account and for any Internet Service Accounts identified as logging into the administrative features (via username and password) of the Subject Account; to record the header information, including internet protocol ("IP") addresses, and date, time, duration, and physical and virtual locations of the initiation and receipt of such transmissions ("IP Logs"); and all Internet connections receiving such data ("Connection Logs"), without geographic limit; all for a period of 60 days from the date of the Order.

5. Applicant further requests that the Order direct the furnishing of information, facilities, and technical assistance necessary (to include assigning a static IP address to Internet Service Accounts accessing the Subject Account if requested) to accomplish the installation of the pen register and trap and trace device unobtrusively and with reasonable compensation to be paid for reasonable expenses incurred in providing such facilities and assistance.

6. I further request, pursuant to Title 18, United States Code, Sections 2703(c) and (d), that Facebook.com be directed to disclose the following record information pertaining to the Subject Account for the period from February 1, 2012, to the present: (a) any name listed with the account, (b) any address listed with the account (including any email address(es)), (c) local and long distance telephone connection records, and records of session times and durations, (d) length of service (including start date) and types of service utilized, (e) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, and (f) means and source of payment for such service (including any credit card or bank account number).

7. I further request, pursuant to Title 18, United States Code, Sections 2703(c) and (d), that any other person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the Order provide agents with all subscriber/account information concerning the Subject Account, including the subscriber/account information for internet service accounts used to access the Subject Account.

8. In support of this request for subscriber/account information, I state that, based on the information set forth herein, there are specific and articulated facts showing that there are reasonable grounds to believe that the contents of the requested records and information are both relevant and material to an ongoing criminal investigation; and that the requested records

will assist law enforcement agents.

9. I further request, pursuant to Title 18, United States Code, Sections 2703(c) and (d), that the internet service and mail providers assigned the IP addresses and email addresses captured via the pen register and trap and trace device provide all non-content information concerning the accounts assigned the specific IP addresses and/or email addresses at the specific dates and times, to include, without limitation, all subscriber information, caller identification / ANI information (if the account is a dial up account), or physical termination point information if the account is Cable, DSL, ISDN, T1, or the like. In support of this request for account information, I certify that, based on the information set forth herein, there are specific and articulated facts showing that there are reasonable grounds to believe that the requested records and information are relevant and material to an ongoing criminal investigation. That is, that Kenneth Konias violated the federal statutes listed above, his location is currently not known, the Subject Account is his Facebook Account, and the information requested herein is likely to indicate his current location as he accesses his account.

10. I further request that Facebook.com, and any internet service and mail providers to whom a request for information is made pursuant to the proposed Order, be directed not to disclose the existence of the proposed Order, its execution, or the underlying investigation except as necessary to execute the

proposed Order. Disclosure of the proposed Order, its execution, or the underlying investigation would likely cause the suspect to stop using the Subject Account and thereby significantly hinder attempts to locate him. It is further respectfully requested for the reasons stated herein that all applications and orders and other papers filed with or concerning this application be ordered sealed until further notice.

*Craig W. Haller*  
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CRAIG W. HALLER  
Assistant U.S. Attorney  
PA ID No. 87714

Sworn and subscribed to before me  
this 1st day of March 2012.

*Mary Ann McHugh*  
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Notary Public

